

May 22, 2002

Hon. F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Hon. Patrick J. Leahy
Chairman
Committee on the Judiciary
U.S. Senate
244 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairmen,

Today, the Conferees on H.R. 333, the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2001" will meet to consider legislation that is supposedly intended to correct the inadequacies of our bankruptcy system. Although we oppose this legislation because the bill massively tilts the playing field against ordinary consumers and workers, there is an equally disturbing reason we cannot support the bill: the radical pro-life movement's attempt to rid the bill of language protecting a woman's right to choose.

More offensive, still, are specious arguments advanced by the radical right that this language will impinge on civil rights and the right to peacefully protest. We are writing this letter to set the record straight. The Schumer-Hatch language does not -- and never has -- encompassed peaceful protest. To the contrary, such activities are explicitly protected by the provision.

On eight separate occasions, perpetrators of clinic violence have sought haven in the Bankruptcy Code to avoid paying fines and penalties against them as a result of their harassment, threats, intimidation, and violence against abortion providers and women attempting to exercise their constitutionally-protected rights. The Schumer-Hatch provision is directed at halting this disturbing activity.

The Schumer-Hatch language protects the rights of peaceful protesters in three important ways. First, there must be an underlying violation of state or federal law and a judgement or court order against the person seeking to have the debts annulled. Peaceful protest is protected by the First Amendment and is not subject to criminal or civil penalties. Second, the amendment, on its face, contains explicit protections for First Amendment activity. Finally, no one can

“accidentally” violate the law and be precluded from a discharge of debts under the Schumer-Hatch provision. Criminal, civil, and contempt penalties are not levied for “accidental” or “innocent” violations of the law.

Those who seek to terrorize women to preclude them from exercising their freedom to choose are not part of the civil rights movement, and they cannot and should not claim to represent the interests of the civil rights movement. Rather, their tactics of illegal violence and harassment are characteristic of those who sought to deny African-Americans’ and others’ civil rights. The Schumer-Hatch language is necessary to prevent them from improperly seeking refuge in the bankruptcy laws, and we are confident that the provision is narrowly tailored so that it does not adversely impact the constitutionally-protected right to peacefully protest.

Sincerely,

John Conyers, Jr.
Member of Congress

John Lewis
Member of Congress

cc: Hon. Charles E. Schumer